

REMARKS

Claims 1-9 are pending in this application. By this Amendment, claim 1 is amended and claims 8-9 are added. No new matter is added.

I. Interview

The courtesies extended to Applicant's representative by Examiners Baldwin and McNeil at the interview held September 20, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicant's record of the interview.

II. Rejections Under 35 U.S.C. §102(b)

The Office Action rejects claims 1-3 and 6-7 under 35 U.S.C. §102(b) over JP 55-147154 (Yoshinori). This rejection is respectfully traversed.

Claim 1 recites, in part, "at least some of honeycomb segments constituting at least a portion of the outer periphery of the honeycomb structure have a structure in which compression strength *of a majority of partition walls* is larger than that of the honeycomb segments constituting the other portions of the honeycomb structure."

As agreed during the personal interview, Yoshinori fails to teach or suggest this feature at least because Yoshinori's thick barrier wall 7 is used on only a few of the partition walls of the honeycomb segment.

Furthermore, modifying Yoshinori to disclose this feature would not have been obvious. Conventionally, segments are combined to form a honeycomb structure and the periphery of the honeycomb structure is cut to have the desirable outside diameter. In this case, the claimed invention has an advantage that the outermost cells close to the periphery are composed of honeycomb segments having large compression strength irregardless of the outside diameter.

Furthermore, making a majority of the partition walls or all of the partition walls of the honeycomb segment to have a larger compression strength, rather than just some of the partition walls in the segment, has various advantages. As described in Applicant's specification, when the compression strength of the entire segment is changed as opposed to simply changing the compression strength of the outer periphery, the respective portions of the honeycomb structure can be easily composed of a different material. Thus, the density of the partition walls can be greatly changed. Additionally, the partition walls are not deformed even if the partition wall thickness and the cell density are greatly changed. See, e.g., pg. 8- pg. 9. It is clear that such advantages are not contemplated in Yoshinori, at least because Yoshinori only discloses thickening some of its partition walls only along the outer periphery of the honeycomb segment.

Therefore, for at least these reasons, claim 1 would not have been anticipated or otherwise rendered obvious from Yoshinori. Thus, withdrawal of the rejection of claim 1 and the claims depending from claim 1 is respectfully requested.

Claim 7 recites, in part, "all the partition walls in the partition wall length direction on a cross section perpendicular to the fluid passage direction of a cell form an angle of 0° or more to less than 20° , or more than 70° to 90° or less with respect to a tangent to the outer periphery of the honeycomb structure at the positions where the respective partition walls contact with an outer peripheral wall."

The Office Action asserts that Yoshinori's Fig. 2 inherently shows the features of claim 7 because Yoshinori allegedly teaches "what is considered to show the same arrangement and orientation of partition walls to the outer skin." However, this assertion is clearly incorrect, as discussed below.

To establish inherency, the Examiner must provide evidence or technical reasoning that makes it clear that the missing descriptive matter "is necessarily present in the thing

described in the reference, and that it would be so recognized by persons of ordinary skill in the art." Inherency may not be established by "probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *See* MPEP §2112; *In re Robertson*, 169 F3d 743, 745 (Fed. Cir. 1999). The Examiner must provide a basis in fact and/or technical reasoning to show that "the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *See* MPEP §2112.

The Office Action asserts that partition walls of Yoshinori are inherently positioned at the recited angles because Yoshinori "is considered to show the same arrangement and orientation of partition walls to the outer skin." This rejection is in error on its face because it states a conclusion without a reason. Specifically, in making such an assertion, the Office Action is simply restating the very thing it is trying to prove. There is no difference in substance between the "reason" and the conclusion. This is circular logic.

Further, the Office Action's reliance on the portions of Yoshinori's Fig. 2 is improper under MPEP §2125 at least because the english translation of the abstract of the reference does not disclose that Fig. 2 is to scale, and at least because an English language translation of the reference has not been obtained by the Examiner.

For at least these reasons, withdrawal of the rejection of claim 7 is respectfully requested.

II. Rejections Under 35 U.S.C. §102(b)

The Office Action rejects claim 4 under 35 U.S.C. §103(a) over Yoshinori in view of JP 55-032232 (Ogawa). The Office Action also rejects claim 5 under 35 U.S.C. §103(a) over Yoshinori in view of U.S. Patent No. 4,436,538 (Tomita). These rejections are respectfully traversed.

Claim 4 depends from an allowable base claim for the reasons discussed above. Therefore, withdrawal of the rejection of claim 4 is respectfully requested.

With respect to claim 5, the Office Action asserts that Tomita teaches the increase of cell densities at the outermost periphery of the filter structure. Therefore, according to the Office Action, one would have been motivated to combine Yoshinori with Tomita "to increase the mechanical strength of the honeycomb structure." However, as acknowledged during the personal interview, such an assertion is incorrect.

Tomita discloses a filter for cleaning exhaust gases from a diesel engine. However, in its background section, Tomita discloses how filters having a uniform bulk density on its outer wall have defects in which the mechanical strength of the border portion between the outer wall and the periphery of the porous portion has insufficiently high mechanical strength. See col. 1, lines 40-48. Therefore, as acknowledged during the personal interview, one of ordinary skill in the art would not have been motivated to combine Yoshinori with Tomita to increase the mechanical strength of the honeycomb structure. As a result, claim 5 would not have been anticipated or rendered obvious by Yoshinori and Tomita, alone or in combination.

III. Request for English Translation

As agreed during the personal interview, if the rejection over Yoshinori is maintained or the Examiner issues a new rejection over Yoshinori, Applicant respectfully requests that the Examiner provide Applicant with an English-language translation of Yoshinori so that Applicant may fully respond to any subsequent Office Action, if necessary.

IV. New Claims 8-9

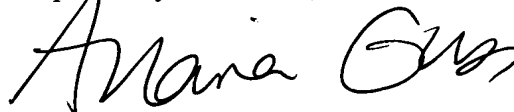
New claims 8-9 would not have been anticipated or otherwise rendered obvious from the applied art at least based on their dependence on an allowable base claim, as well as for additional features they recite.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Ariana E. Guss
Registration No. 58,997

JAO:AEG/axl

Attachment:
Request for Continued Examination

Date: October 15, 2007

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461
--